

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

			WWW.aspecigo		
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/072,001	02/08/2002	Albert Charles McNamara	P-1090099(Reissue)	1978	
759	90 09/19/2002				
Jackson Walker L.L.P.			EXAMINER		
112 E. Pecan Str San Antonio, TX			SIMONE, TI	SIMONE, TIMOTHY F	
			ART UNIT	PAPER NUMBER	
			1761	1/	
			DATE MAILED: 09/19/2002	Y	

Please find below and/or attached an Office communication concerning this application or proceeding.

7c-4

Office Action Summary

Application No. 10/072,001

Applicant(s)

Examiner

Timothy F. Simone

Art Unit 1761

McNamara

						
Desired (The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
A SHO	for Reply ORTENED STATUTORY PERIOD FOR REPLY IS SET	TO EXPIRE 3 MONTH(S) FROM				
	MAILING DATE OF THIS COMMUNICATION. ions of time may be available under the provisions of 37 CFR 1.136 (a). In	no event, however, may a reply be timely filed after SIX (6) MONTHS from the				
_	date of this communication. period for reply specified above is less than thirty (30) days, a reply within th	ne statutory minimum of thirty (30) days will be considered timely				
- If NO p - Failure - Any rep		and will expire SIX (6) MONTHS from the mailing date of this communication. ne application to become ABANDONED (35 U.S.C. § 133).				
Status	paton to in adjustment. 355 37 CTT 1.704(a).					
1) 🗌	Responsive to communication(s) filed on	·				
2a) 🗌	This action is FINAL . 2b) 💢 This act	ion is non-final.				
3) 🗌	Since this application is in condition for allowance eclosed in accordance with the practice under Ex pair	except for formal matters, prosecution as to the merits is rte Quayle, 1935 C.D. 11; 453 O.G. 213.				
Disposit	tion of Claims	•				
4) 💢	Claim(s) 1-43	is/are pending in the application.				
4	a) Of the above, claim(s)	is/are withdrawn from consideration.				
5) 💢	Claim(s) 1-42	is/are allowed.				
6) 💢	Claim(s) <u>43</u>	is/are rejected.				
7) 🗆	Claim(s)	is/are objected to.				
		are subject to restriction and/or election requirement.				
	tion Papers					
9) 🗌	The specification is objected to by the Examiner.					
10)	The drawing(s) filed on is/are	a) \square accepted or b) \square objected to by the Examiner.				
	Applicant may not request that any objection to the d					
11)💢	The proposed drawing correction filed onFeb 8	(2002) is: a) \square approved b) \square disapproved by the Examiner.				
	If approved, corrected drawings are required in reply t	o this Office action.				
12)	The oath or declaration is objected to by the Exami	ner.				
-	under 35 U.S.C. §§ 119 and 120					
	Acknowledgement is made of a claim for foreign pr	iority under 35 U.S.C. § 119(a)-(d) or (f).				
a)	All b) Some* c) None of:					
1	1. Certified copies of the priority documents have					
	2. Certified copies of the priority documents have					
	3. ☐ Copies of the certified copies of the priority do application from the International Bures se the attached detailed Office action for a list of the					
_	Acknowledgement is made of a claim for domestic					
a) 🗆						
15)	Acknowledgement is made of a claim for domestic					
Attachme						
1) X Not	tice of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s).				
2) Not	tice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal Patent Application (PTO-152)				
3) X Info	ormation Disclosure Statement(s) (PTO-1449) Paper No(s)2	6) Other:				

Application/Control Number: 10/072,001

Art Unit: 1761

DETAILED OFFICE ACTION

Reissue Application

The original patent, or an affidavit or declaration as to loss or

inaccessibility of the original patent, must be received before this reissue

application can be allowed. See 37 CFR 1.178.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C.

102 that form the basis for the rejections under this section made in this Office

action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United

States.

Application/Control Number: 10/072,001

Art Unit: 1761

Claim 43 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pitco Frialator (Exhibit "D"). The features of the instantly rejected claim are structurally met by the Pitco Frialator brochure(Exhibit "D").

Allowable Subject Matter

Claims 1-42 are allowable over the prior art of record.

If additional defects or errors are corrected in the reissue after the filing of the application and the original reissue oath or declaration, a supplemental reissue oath/declaration must be filed, unless all additional errors corrected are spelling, grammar, typographical, editorial or clerical errors which are not errors under 35 U.S.C. 251 (see MPEP § 1402). In other words, a supplemental oath/declaration is required where any "error" under 35 U.S.C. 251 has been corrected and the error was not identified in the original reissue oath/declaration.

The supplemental reissue oath/declaration must state that every error which was corrected in the reissue application not covered by the prior oath(s)/declaration(s) submitted in the application arose without any deceptive intention on the part of the applicant.

Application/Control Number: 10/072,001

Art Unit: 1761

An example of acceptable language is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Timothy F. Simone Primary Examiner Group 1760 Art Unit 1761